

# Official Minutes for Webb County Commissioners Court Meeting

Monday, November 22, 2004 and continuing  
Tuesday, November 23, 2004 at 1:00 PM  
(Approved 12-13-2004 with corrections in bold and parenthesis)

- Item No. 1      Call to order by Judge Louis H. Bruni  
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 18<sup>th</sup> and 19<sup>th</sup> of November 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2      Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3      Pledge of Allegiance – Led by All

- Item No. 4      Approval of minutes – October 25, 2004

Cmr. Velasquez stated that under Item No. 51, he expressed concerns about the new vendor's qualifications and experience. Cmr. Cortez stated that he wanted the record to show that he was greatly concerned with the work performed by Mr. Sousa

Cmr. Velasquez motioned to accept the minutes with the corrections stated. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 5      Approval of bills, payroll and monthly reports

Ms. Delia Perales, County Treasurer, presented her monthly report to the court. She stated that the report shows the total debt owed on the Certificates of Obligation and that she will be submitting the first payment in January after which she will submit the current balance for the court's review.

Cmr. Velasquez motioned to accept the Treasurer's Report. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

## Item No. 6      Communications

Judge Bruni sent his heartfelt sympathies to the family of Adolfo Lopez who passed away in a car accident in Phoenix. He stated that Adolfo was the son of Mr. Daniel Lopez a local businessman who was on his way home for the holidays before being sent back to Iraq.

Moment of silence was observed in memory of Mr. Adolfo Lopez.

Judge Bruni congratulated the J. W. Nixon Mustang football team. He stated that they are the District, Bi-District champs and would be going against the San Antonio Taft Raiders in the third round of Area 5A playoffs.

Cmr. Velasquez stated that the booster club was accepting donations for team travel expenses. He stated that he would also like to establish a protocol for honoring local soldiers who have passed away. He requested a moment of silence in memory of Cmr. Vasquez's mother, Alicia Vasquez, who recently passed away.

Moment of silence was observed in memory of Mrs. Alicia Vasquez.

Cmr. Vasquez thanked the court for their consideration and thoughts in his time of need.

Cmr. Velasquez commended staff for the work done to upgrade the audio equipment in the courtroom.

Mr. Raul Casso, Chief of Staff, commended Mr. Eliud Diaz-Cortez, M.I.S. Department, for the hard work that he put in after-hours and on weekends to pick out and set up the equipment.

Cmr. Cortez stated that he would like for everyone to keep the Lopez family and Vasquez family in their hearts and prayers this holiday season. He commended the court for its continued support of family values and wished everyone a Happy Thanksgiving.

Cmr. Gutierrez extended her sympathies to the Lopez and Vasquez families for their loss. She stated for the record that she had not been advised of the communications workshop held by Zaffirini Communications until Thursday afternoon. She stated that she would have liked to attend but was unable to due to previous commitments.

Judge Bruni stated for the record that it was not an error from his office since two e-mails and a fax was sent to all departments regarding this seminar.

Cmr. Cortez stated that he would like for Zaffirini Communications to host a conference geared towards elected officials.

Judge Bruni stated that he has a line item in his budget to cover seminars such as this and stated that almost everyone who left the seminar learned something and benefited from the seminar.

Mr. Guillermo Garcia, M.I.S. Director, stated that memo was e-mailed from his office but was unsure of whether all received it. He stated that system crashed while the message was being sent but will check the system.

#### Item No. 7      Public Comment

Mr. Ricardo Romo from El Cenizo was present to address the court. He stated that they currently have a soccer team of approximately 20 children and are requesting the court's assistance in providing the equipment necessary.

Judge Bruni stated that he would speak with the county attorney and would place an item on the next agenda.

Cmr. Velasquez motioned to move up Item No. 12. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

#### Item No. 12      Presentation by the City/County Park Committee – chaired by Gene Belmares on the status of the new North Laredo Central Park.

Councilman Gene Belmares stated that District 6 located in precinct 3 has encumbered an area from Calton to Del Mar along Canal to be used for this park. He stated that thanks to the court's assistance, they are close to acquiring 76-77 acres of land. He stated that the park will have a natural area for nature studies, tennis/basketball courts, soccer/football fields as well as a jogging trail. He stated that the city has set aside \$1 million in 2005 and 2006 for this project and the county has committed to \$625,000. He stated that he would like to allow the children of the community pick the name. He stated that the completion of the trails should be in the summer of 2005 with the possible inclusion of Little League fields.

Cmr. Cortez thanked Councilman Belmares and Cmr. Velasquez for the work that they have put into this project. He stated that the citizens of that community have been waiting a long time for this project.

Cmr. Gutierrez motioned to move up Item No. 13. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

#### Item No. 13      Discussion and possible action to accept from Dr. Marilyn Harrington, Dean for the University of Texas Health Science Center and Oscar

Munoz Regional Director for Texas A & M University, eight First Aid Kits to be distributed to all current and future Colonia Community Resource Centers.

Dr. Marilyn Harrington stated that the UT Health Science Center had received a grant to train persons for emergency response in Webb County. She stated that these kits would be available for all the community centers in case of an emergency and stated that their goal is to train 75 colonia residents how to properly use these kits.

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 4-0 with Cmr. Cortez not present for voting.

Item No. 8      Status report on the physical condition and occupancy of the County Restitution Center with discussion and possible action to order staff to conduct cost assessment studies for appropriate modifications, if any

Mr. Raul Casso, Chief of Staff, stated that this concern was brought about by Judge Manuel Flores, 49<sup>th</sup> District Court. He stated that there are several adult probation officers being housed in that building who have complained about the disrepair of the building. He stated that the carpets in the building are worn out and the muskiness of the building has resulted in some breathing problems. He stated that the building does have the proper zoning for use as a morgue. Cmr. Cortez expressed concerns about reports that he has requested that have not been prepared or submitted. Judge Bruni advised Cmr. Cortez to submit those requests to the attention of Mr. Raul Casso, Mr. Carlos Villarreal, Ms. Yolanda Carrillo or Mr. Homero Ramirez.

Judge Bruni motioned to request a cost assessment for appropriate modifications, including morgue costs. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 9      Discussion and possible action to amend, by order, Webb County Personnel Polices to provide for salary continuation for county employees called to active duty in the armed forces of the United States without the person's consent, determining the amount to be paid to the employees, and instituting other rules as appropriate to comply with Chapter 173 Local Government Code and the proposed order

Mr. Homero Ramirez, County Attorney, stated that this change was approved by Legislation effective June 2003. He stated that the City of Laredo currently pays the difference between the military base pay and the city base pay to those employees called to involuntary active duty. He stated that the court needed to decide how much they would be compensated while on military leave. He stated that the court

could continue to pay them 100% of their county pay while on active leave or any pay differential that they may feel appropriate. He stated that active duty does not require deployment to another country and that as per state and federal laws, the employee would be entitled to re-employment benefits and would continue to be a county employee while on leave. He stated that no other benefits would be accrued. Mr. Carlos Villarreal, Court Executive Administrator, stated that he recommended that their current pay be paid plus an additional 10-15% differential without having to exhaust their Annual, Sick or Compensatory Leave first. Mr. Ramirez stated that this would not guarantee that slot would remain open and department head can hire someone for that position. Cmr. Cortez recommended that the employee be paid 100% of their current pay and should be brought back at the same salary. He stated that it was the least that the county could do for these soldiers. Mr. Villarreal recommended that the position be held until the person returns and feels that this should be done out of respect for the individuals called for military service. He stated that the additional 10-20% should be given to offset any additional pay that the employees may have received through additional outside employment.

Cmr. Velasquez motioned to pay the employees 100% of their current salary, including benefits, hold the slot for that employee until they return, and allowing the department head to hire temporary employees for the slot.

Cmr. Cortez stated that they should include the 15% recommended by Mr. Carlos Villarreal, Court Executive Administrator. Cmr. Gutierrez stated that the military pay also be compensated for the 15%.

Cmr. Velasquez included Cmr. Cortez's request as part of his motion. Cmr. Cortez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that Chapter 173 does not address the issue of benefits and feels that since it was not included, it is not allowed. He stated that if it can be done, it will be done.

Motion carried 5-0 by unanimous consent.

Mr. Carlos Villarreal, Court Executive Administrator, clarified that the motion was to continue the employee's salary at 100%, full benefits if allowed and the military pay be compensated. He stated that the slot would remain open for that employee but that temporary help could be hired until the employee returns from active duty.

**(The following was clarified at the regular Commissioners Court meeting of December 13<sup>th</sup>: 1) Cmr. Velasquez stated that his motion was to approve 100% pay continuance plus full benefits without a statement of pending authorization ; 2) Mr. Homero Ramirez, County Attorney, advised the court that he has been unable to find authorization for the payment of benefits and minutes should show this; 3) Mr. Carlos Villarreal, Court Executive Administrator, stated that since the Webb County would be paying 100% pay continuance, the 15% differential pay would not be necessary; and 4) No sick or annual leave would be required to be taken prior to this order taking effect.)**

- Item No. 10      Discussion and possible action seeking declaratory judgment on qualifications for all three candidates that applied for Indigent Health Director according to advertisement requirements as listed in the Laredo Morning Times.
- Cmr. Cortez motioned to table this item. Cmr. Velasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 11      Discussion and possible action to set date for public hearing for implementation of garbage collection fees for Webb County.
- Cmr. Cortez motioned to public this immediately and to schedule the Public Hearing for the first meeting after the required 30 day publication. Cmr. Velasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 14      Discussion and possible action to submit a Contract Modification for Texas Community Development Program Contract #719000 (Rio Bravo Housing Rehab), and authorizing the County Judge to sign all relevant documents.
- Mr. Juan Vargas stated that the contract modification was due to the fact that all the bids came in high. He stated the grant was for the rehabilitation of 17 houses for a total of \$625,000. He stated that by modifying the contract to 27 houses would avoid a fund shortage.
- Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 15      Discussion and possible action to appoint Frank Salinas as Deputy Director of the Human Resources Department, slot #1526, at a pay equal to the total budgeted amount for FY 2004-2005 pro-rated over the months remaining in the year; to wave the requirement of competitive publication; and, to detail Mr. Salinas, until further notice, to the Risk Management Department under Jorge Flores, Interim Risk Manager, to assist in the restructuring of the Risk Management/Human Resources departments.
- Cmr. Cortez motioned to approve item as submitted effective immediately. Cmr. Velasquez seconded the motion.

Cmr. Gutierrez expressed her concerns about waiving the requirement for publications. She stated that the county is an Equal Opportunity Employer and has policy in place to publish all positions over \$40,000. She stated that this sends the wrong message to the community and does not see how hiring a Deputy Director can be justified if there is no Director in place. Judge Bruni stated that the court has waived the requirement for competitive biddings before and is only following the recommendation of the Grievance Committee. He stated that there was no publication made before the court hired Mr. Carlos Villarreal, Court Executive Administrator. Cmr. Gutierrez stated that the competitive bidding waiver follows that Purchasing Act and must be done according to state regulations. She stated that there is a difference between competitive bidding and competitive publication. She stated that the court was in violation of its own policy and felt that this would be the first step in moving Mr. Salinas to the position of director in the future. Mr. Homero Ramirez, County Attorney, stated for the record that the policy in question was not in effect when Mr. Carlos Villarreal was hired. He stated that the court had the authorization to waive or retract its policies. Cmr. Cortez stated that he would be placing an item on the next agenda for RFQ's for the Human Resource Director. Cmr. Vasquez stated that it was important to know and clarify that Mr. Salinas is not the qualified for this position. Cmr. Velasquez stated that he felt that Mr. Salinas was qualified for the IHC Director and that politics were in play when Mr. Salinas was terminated. He stated that this item has been brought before the court several times and there will never be a unanimous decision. Judge Bruni stated that he would prefer to have the incoming court make the decision on this important item.

Motion carried 3-2 with Cmr. Vasquez and Cmr. Gutierrez voting against.

Item No. 16      Discussion and possible action to approve the Operational General Order for Fiscal Year 2004-2005.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Cmr. Velasquez expressed concerns about the term "at-will employment" and the number of lawsuits filed by employees fired because of that. Mr. Homero Ramirez, County Attorney, stated that Texas is a "right-to-work" state which means that the employee can leave or be asked to leave at any time. He stated that this does not mean that an employee can be fired for an illegal reason and the employee claim that it was because they are an "at-will" employee. He stated no employee, unless authorized by the court, can be given a job contract and no one is guaranteed employment. He stated that the employer has to prove that the termination was just and not for illegal reasons. Cmr. Velasquez also expressed concerns about the wording shown for budget amendments. He state that the previous general orders had more detail while the one presented merely states that budget amendments can be done by line item transfers, availability of funds and court approval. Mr. Homero Ramirez, County Attorney, stated that the question was how strictly the budget would be followed.

Motion carried 5-0 by unanimous consent.

MEDIA BREAK (3:05 pm to 3:35 pm)

Cmr. Vasquez was excused from the remainder of the meeting.

- Item No. 17      Discussion and possible action to submit to Texas Department of Housing and Community Affairs, Annual Service Delivery Plan and preliminary Budget for FY 2005, for the Community Action Agency Comprehensive Energy Assistance Program.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Cmr. Gutierrez stated that if the County Attorney's items are in order, they should be approved together to expedite the meeting.

(Item No. 18, No. 19, No. 20, No. 21, No. 22, No. 23 and No. 24 were acted on together.)

- Item No. 18      Discussion and possible action to enter into a one (1) year (October 29, 2004 through October 28, 2005) equipment maintenance agreement with Eastman Kodak Company to provide maintenance support for a "Kodak Digital Science Scanner 1500 D" utilized by the Planning Department at a cost of NINE HUNDRED FORTY DOLLARS (\$940.00), and authorizing the County Judge to execute all relevant documents. [Account No. 010-102-6402, Repairs & Maintenance Equipment Requested by Planning Department]

- Item No. 19      Discussion and possible action to enter into a one-year (1) Software Maintenance Agreement (October 1, 2004 to September 30, 2005) with Environmental Systems Research Institute, Inc. to provide software maintenance support for the Mapping and 911 software utilized by the Planning Department at a cost totaling FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$5,700.00), and authorizing the County Judge to execute all relevant documents. [Account No. 010-102-6402, Repairs & Maintenance Equipment Requested by Planning Department]

- Item No. 20      Discussion and possible action to enter into a one-year (1) Equipment Maintenance Agreement (September 12, 2004 through September 11, 2005) with Professional Document Packaging to provide maintenance support for a Powis Parker Fastback Binder and Powis Parker Fastback Spine Printer utilized by the Planning Department at a total cost of EIGHT HUNDRED NINETY DOLLARS (\$890.00), and authorizing the



County Judge to execute all relevant documents. [Account No. 010-102-6402, Repairs & Maintenance Equipment Requested by Planning Department]

- Item No. 21      Discussion and possible action to enter into a contract amendment one with the State of Texas, through the Texas Department of Transportation—Vehicle Titles and Registration division, to lease two (2) Remote Sticker Printing Systems (RSPS) and Dealer Title Application equipment at an annual cost of ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00) and authorizing the County Judge to sign all relevant documents. [Requested by Webb County Tax Assessor/Collector (Account No. 001-0700-6014 Equipment Rental)]
- Item No. 22      Discussion and possible action to enter into an agreement with the Texas Transportation Institute for a grant to Webb County not to exceed FORTY EIGHT THOUSAND DOLLARS (\$48,000.00) for the purchase of two (2) fifteen (15) passenger vans for use by the Webb County Colonia Community Centers and requiring Webb County to keep record/logs of usage of said vehicle to take title to said vehicles and provide maintenance and authorizing the County Judge to sign all relevant documents.
- Item No. 23      Discussion and possible action to enter into a Provider Master Agreement with Digital Products of Delaware, Inc. d/b/a Digital Technologies 2000 for one (1) year (October 15, 2004 to October 14, 2005) for electronic monitoring services and equipment for Webb County Pre-Trial Services at an Active Day Charge per day "Unit In-Use" fee of THREE DOLLARS AND FIFTY CENTS (\$3.50) and a waiver protection fee of TWENTY-FIVE CENT (\$0.25) per unit in-use per day and authorizing the County Judge to sign all relevant documents. [Requested by Pre-Trial Services 001-2100-21 Electronic Monitoring Fee]
- Item No. 24      Discussion and possible action to enter into a purchase and licensing agreement with ProCat/Advanced Translations Technology, Inc. for Winner Professional Edition Equipment and Single User Software Licensing Agreement for the 49th District Court Reporter in the amount of TEN THOUSAND ONE HUNDRED DOLLARS (\$10,100.00) and seeking a discretionary exemption to the competitive bidding statute (Local Government Code section 262.024(a)(7) (Sole Source), and authorizing the Count Judge to execute all relevant documents.

[Requested by the 49th District-Drug Impact Court Account #227-1021-8801 Capital Outlay]

Cmr. Gutierrez motioned to approve Item No. 18, No. 19, No. 20, No. 21, No. 22, No. 23 and No. 24 as submitted. Cmr. Velasquez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that for Item No. 22, the county would need to maintain usage logs for those vehicles. He stated that for Item No. 23, he stated that this would impose a day charge and waiver protection fee. He stated that Item No. 24 required authorization for a discretionary exemption.

Cmr. Gutierrez amended her motion to include Mr. Ramirez's comments.

Motion carried 4-0 with Cmr. Vasquez not present.

Mr. Homero Ramirez, County Attorney, requested that the court also approve Addendum Item No. 1.

Cmr. Velasquez motioned to move up Addendum Item No. 1. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Addendum  
Item No. 1

Discussion and possible action to enter an Order that

- a) Designates the place of sales of real property pursuant to a Power of Sale conferred by a deed of trust or other contract lien (Non Judicial Foreclosures) as the area outside the northwest (parking garage) 1<sup>st</sup> Floor entrance to the Webb County Justice Center; and
- b) That permits the posting of notices of sales of real property under a power of sale conferred by deed of trust or other contract lien (Non Judicial Foreclosures) at that same location; and
- c) That the Order become effective January 5, 2005.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Mr. Homero Ramirez, County Attorney, stated that he will be sending a fax to all attorneys to notify them of the change.

Item No. 25

Discussion and possible action to approve the acceptance of the El Cenizo Recreation Center Building and modifications to the existing Community Center of El Cenizo as recommended by the project architect, Mr. Jose Calzada, Architectura, authorize that all final bills and retainage be approved.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 26 Discussion and possible action to pay out of Capital Outlay twenty-one thousand three hundred eighty-two dollars and eighty-three cents (\$21,382.83) for cost associated with the platting of 12.5 acres donated to Webb County for the New Self-Help Center Facility and the construction of the Self-Help Center Facility. Pay; Rathmell & Gilpin (final platting fee) \$938.94, City of Laredo (water availability and annexation fee's) \$10,737.83, Architect Plus (Administration Fee's) \$3,709.12, ADA Inspection \$600.00 and \$5,396.94 to cover Letter of Credit to Commerce Bank for infrastructure improvements [Funding source to be explained in court].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Juan Vargas, Economic Development Director, stated that the monies for this item would be from the Capital Outlay Series 2001 (\$4,132) and 2003 (\$17,251). Cmr. Velasquez requested a report on the Capital Outlay Series, highlighting the balances, funds available and monies not obligated to a particular project.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 27 Discussion and Possible Action Authorizing Change Order No. 3 in the amount of \$44,515.93 to Ramos Industries, Inc. for Pumps, Electrical and other accessories for the TWDB-EDAP Regional Wastewater Treatment Plant Expansion project [Funding source to be explained in court].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Tomas Rodriguez, County Engineer, stated that the funding source would be grant monies.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 28 Discussion and Possible Action Authorizing Change Order No. 2 granting a time extension of 120 days Jimmy Closner Construction Company for the TWDB-EDAP El Cenizo Water Line Replacement Project [Funding source to be explained in court].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Tomas Rodriguez, County Engineer, stated that there was no cost associated to this item and was only a time extension. He stated that the extension was being requested due to unknown lines on Rosales and Tulipan roads which affected Closner Construction and Ramos Construction. Judge Bruni requested a letter from the contractor stating the reason for the delay. He stated that this was the first extension being requested for this project. He stated that he would be bringing time extension requests for other projects that were stopped due to plan deviation. Cmr. Cortez inquired whether it was possible to have the contractor work additional hours or hire additional crews to complete this project.

Motion carried 4-0 with Cmr. Vasquez not present.

Item No. 29      Discussion and possible action to award bid to Zertuche Construction in three phases in the amount of 1,110,000.00 for the Via Antigua Border Heritage Museum Project.

- 1. Phase I      =      \$950,000.00
- 2. Phase II     =      \$75,000.00
- 3. Phase III    =      \$85,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Tomas Rodriguez, County Engineer, stated that notice to proceed would be for Phase I only and will do some value engineering to lower the cost of Phase I to be able to incorporate Phase II or III. Mr. Carlos Villarreal, Court Executive Administrator, stated that the project needs to be done in this matter since it needs to be approved. He stated that the Webb County Heritage Foundation is looking into fundraisers to come up with the additional monies needed for Phase II and III. He stated that if the Heritage Foundation fails to come up with the monies necessary, the court would need to fund Phase II and III. He stated that two bids were received and Zertuche Construction was the lowest bidder. He stated that have done a lot of construction for Webb County and have hired someone with experience in historical re-construction. He stated that the other bid was higher by \$400,000 and was recommended by Frank Architects. Mr. Frank Rotnofsky of Frank Architects stated that although they have no extensive preservation experience, they are currently working on restoring Bethany House. Mr. Ramon Zertuche III of Zertuche Construction stated that they have an extensive reconstruction, construction and restoration experience and their foreman has over 30 years experience in restoration.

Motion carried 4-0 with Cmr. Vasquez not present.

Item No. 30      Discussion and possible action to fill custodial slot #0890 at \$8.42 per hour and charge to [Account #001-0106-5001 Building Maintenance Payroll].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 31 Discussion and possible action to grant a "Certificate of No Plat Required" to the division of Lot A-8, Botines Subdivision into two lots to be known as Lots A-8A and A-8B, Botines Subdivision.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Ms. Rhonda Tiffin, Planning Director, stated that the property is greater than 20 acres and meets the criteria set by Legislation to grant a "Certificate of No Plat Required." She stated that her office has a listing of exemptions available. She stated that the Engineering Department is currently working on a grant to cover the cost of platting Las Presas.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 32 Discussion and possible action to purchase toners from Val.Com in the amount of approximately \$1,400.00 for the Sheriff's Department from [Acct. #001-2001-6001 Office Supplies]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 33 Discussion and possible action to purchase one (1) Guardian Assured Performance Agreement for the Law Enforcement Center Radio Room from Dictaphone in the amount of \$5,601.38 from [Account #001-2060-6402 Repairs & Maintenance Equipment]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 34 Discussion and possible action solicit competitive seal bids for the Records Management Expansion project.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 35      Discussion and possible action to purchase one 40 quart mixer in the amount of approximately \$5,600.00 from El Competidor for the Law Enforcement Center for kitchen operations. [Account #001-2001-6205 Materials & Supplies]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 36      Discussion and possible action to approve a line item transfer for the Law Enforcement Center:

FROM:	001-2001-6402	\$5,615.00
TO:	664-8000-8601-3	\$5,615.00

Cmr. Gutierrez motioned to approve item as submitted with discussion. Cmr. Velasquez seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, stated that transfer is from Repairs and Equipment to the line item used for the purchases from the remedial order repairs.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 37      Discussion and possible action to approve the Contractor's Pollution Liability Insurance Policy, excluding terrorism coverage, from BC Environmental Insurance Brokers, Inc. through American Safety Risk Retention Group, Inc. and authorization for the County Judge to execute all relevant documents, (Account #001-0105-6032- Property Casualty Premium)

Cmr. Gutierrez motioned to approve item as submitted with discussion. Cmr. Velasquez seconded the motion.

Mr. Jorge Flores, Interim Risk Manager, stated that this is state mandated due to the Weatherization Program. He stated that the \$2,900 will be reimbursed to the county by the Weatherization Program.

Motion carried 4-0 with Cmr. Vasquez not present.

- Item No. 38      Discussion and possible action to approve the following expenditures:

Star Paper & Janitorial Supplies	\$1,201.00
Laredo Ranch Supplies	\$108.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Cmr. Velasquez motioned to move into Executive Session. Cmr. Gutierrez seconded the motion.

Cmr. Cortez stated that he would not go into Executive Session for Item No. 39 and No. 40 but reserved the right to vote and discuss these items in open session.

Motion carried 4-0 with Cmr. Vasquez not present.

EXECUTIVE SESSION (4:22 pm to 4:45 pm)

Cmr. Gutierrez excused herself from the meeting as she had a prior engagement.

Judge Bruni reconvened meeting and stated that no action was taken while in Executive Session.

- Item No. 39      Discussion and possible action related to litigation concerning 17-acre tract known as One River Park Subdivision. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]

Mr. Homero Ramirez, County Attorney, stated that no action was required for this item.

- Item No. 40      Discussion and possible action related to possible litigation concerning Webb County Bridge project. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]

Mr. Homero Ramirez, County Attorney, stated that no action was required for this item.

Cmr. Cortez requested a report showing the total amount of money spent on attorney's fees and the 5<sup>th</sup> bridge project, as well as the funding sources and all other current expenditures related to this project.

- Item No. 42      Discussion and possible action regarding Cause No. 2004-CVQ-001441-D4; The Honorable Delia Perales, County Treasurer of Webb County, Texas, vs. Webb County, Texas and Webb County Commissioners Court; In the 406<sup>th</sup> District Court of Webb County, Texas. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Mr. Homero Ramirez, County Attorney, stated that he would have a conflict of interest regarding this matter and would be unable to represent either side. He recommended that the court hire Allison, Bass and Associates to represent the county in this matter.

- Item No. 41      Discussion and possible action to amend engagement with Mejia & Company, P.L.L.C, to include appeal of denied abatement and authorizing the County Judge to execute all relevant documents. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Velasquez motioned to defer Item No. 41. Cmr. Cortez seconded the motion.

Motion carried 3-0 with Cmr. Vasquez and Cmr. Gutierrez not present.

- Item No. 42      Discussion and possible action regarding Cause No. 2004-CVQ-001441-D4; The Honorable Delia Perales, County Treasurer of Webb County, Texas, vs. Webb County, Texas and Webb County Commissioners Court; In the 406<sup>th</sup> District Court of Webb County, Texas. Executive Session is requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Judge Bruni motioned to hire Allison, Bass and Associates to represent the county in this matter. Cmr. Velasquez seconded the motion with discussion.

Mr. Homero Ramirez, County Attorney, stated that this would be paid from the Professional Services Account. He stated that over 90% of litigation is handled in-house but that outside counsel must be hired when there is a conflict of interest, the matter is beyond the scope of services or if the insurance company requires it. He stated that he did not see any merit in the case.

Motion carried 3-0 with Cmr. Vasquez and Cmr. Gutierrez not present.

- Item No. 43      **Adjournment**

Cmr. Velasquez motioned to adjourn the meeting. Cmr. Cortez seconded the motion.

Motion carried 3-0 with Cmr. Vasquez and Cmr. Gutierrez not present.